

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0005R

RESOLUTION VACATING A PORTION OF UTILITY EASEMENT WITHIN
THE VACATED WATER STREET (LAKEWALK TOWNHOMES).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting the vacation of a portion of a utility easement within the vacated portion of Water Street (FN 08115); and

(b) Pursuant to Section 100 of the City Charter and Article IV of Chapter 45 of the Duluth City Code, 1959, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing; and the city planning commission found that the petitioned utility easement is useless, based on the findings that this is the smallest area required for the building encroachment, would not impact the ability to maintain utilities and there will likely be no negative impacts to the surrounding neighborhood; and

(c) The planning commission, at its December 9, 2008, regular meeting, did approve vacating the petitioned easement; and

(d) That the city council of the city of Duluth approves the vacation of the following and as more particularly described on Public Document No. _____: all of that part lying within the southerly 1.00 foot of the utility easement which is bounded on the west by the northerly extension of the west line of Lot 4, Block E, Endion Division of Duluth, and bounded on the east by the southerly extension of the east line of Lot 12, Block 2, Endion Division of Duluth; and

(e) That the city clerk is hereby directed to record, with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a

certified copy of this resolution together with a plat showing that portion of utility easement to be vacated.

Approved as to form:

Attorney

PC/PLNG CF:tmf 12/15/2008

STATEMENT OF PURPOSE: This resolution vacates part of a utility easement within the vacated portion of Water Street to accommodate a structure which encroaches into the easement. Following the public hearing on December 9, 2008, the planning commission voted 10-0-1 to recommend this vacation.

Petition received: November 12, 2008
Action deadline: There is no action deadline.

Applicant:

Lakewalk Townhomes
Represented by William Burns
Hanft Fride, A Professional Association
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